



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-78**

December 14, 2004

Jeff Michaud
488 Wentworth Rd
Walpole, NH 03608

RE: DES Wetlands File #2004-02388 Wentworth Rd, Walpole

Dear Mr. Michaud:

On December 2, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Walpole Tax Map 8 as Lot 17 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection, the following deficiencies were found:

1. Approximately 300 linear feet of drainage swale/surface water had been re-constructed during the development of a single-family house lot without a permit from the DES Wetlands Bureau. The swale supports surface water flows from an up gradient wetland and discharges directly to an intermittent stream down gradient of the Property.
2. Erosion, sediment and turbidity controls at the site had failed during the re-construction of the swale and site development resulting in sedimentation of an intermittent stream and pond on the adjacent property.

In response, you are requested to take the following actions:

1. Immediately stabilize the site with the appropriate erosion, sediment and turbidity controls and maintain them until construction is complete and the site is stable.
2. Within 30 days of receipt of this Letter of Deficiency, submit to DES for review and approval an After the Fact Standard Dredge and Fill Application for the swale re-construction. A certified wetland scientist shall prepare the application.
3. If the Property is sold before the application is approved and work is complete you must provide documentation to DES that the new owner agrees to the work and is responsible for the approved work to be completed to the satisfaction of the DES Wetlands Bureau.

*Letter of Deficiency 2004-78
Wetlands Bureau File #2004-2388
Date: December 14, 2004
Page 2 of 2*

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

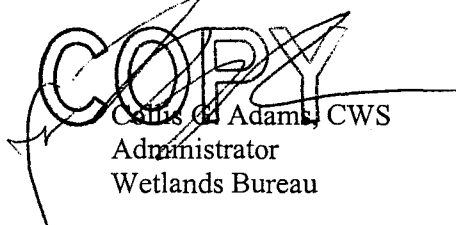
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

William A. Thomas, CWS
Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Charles G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0696 0749

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Jeffrey D. Blecharczyk, DES Wetlands Bureau
Walpole Conservation Commission
Walpole Board of Selectmen
Mathew E. Blanc, JKMD Investments